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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,994	09/12/2003	Douglas W. Reitz	F8-6068	9335

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EXAMINER

LITHGOW, THOMAS M

ART UNIT	PAPER NUMBER
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1724

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/661,994	Applicant(s) REITZ ET AL.	
	Examiner Thomas M. Lithgow	Art Unit 1724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4,6-14,16,17,19-22,48-59 and 65 is/are pending in the application.
- 4a) Of the above claim(s) 56-59 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,6-14,16-17, 19-22,48-52,54,55 and 65 is/are rejected.
- 7) ☒ Claim(s) 53 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

THOMAS M. LITHGOW
PRIMARY EXAMINER
20070319

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 49 is rejected under 35 U.S.C. 102(b) as being anticipated by Zuk (US 5938940). Zuk '940 discloses an in-line filter device with a housing having an inlet section 1 and an outlet section 2 defining a pair of sidewalls and a peripheral end wall. There are also filter elements 3-6 (as a removal medium), with inlet port 13 and outlet port 14. Each of the filter elements has a seal ring (7-9) as an impermeable barrier, which is located between the peripheral end surface of the removal medium and the peripheral end wall of the housing.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 1, 4, 6-12, 16-17, 50-51, 54 and 55 are rejected under 35

U.S.C. 103(a) as being unpatentable over Zuk '940 as applied to claim 49

above, and further in view of any one of Myers (US 6168653) or Rosenberg

(US 4326957) or Stankowski (US 5269917). Stankowski '917 discloses a

fluid filtration device having opposed housing members bonded to each

other via ultrasonic welding [col. 1, line 51] along with a tongue and groove

arrangement (see shield 36 and opposed groove 37 (fig. 1-2). This

arrangement provides for an improved seal between the housing sections

since the plastic melt from the bonding process has a place to flow [col. 3,

lines 50+]. Both Myers '653 and Rosenberg '957 have similar disclosures.

As Zuk '940 relies upon bonding techniques to attach his two housing

pieces together [col. 5, lines 65+ and col. 8, lines 5+], it would have been

obvious to one of ordinary skill in the art to employ the advantageous

tongue and groove arrangement to facilitate the attaching of the two bonded

housing sections together.

5. Claims 13-14 and 52 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Zuk '940 in view of Stankowski '917 applied to claims 1

and 50 respectively, and further in view of Meyst (US 4157967). The additional use of inward extending ribs with points to further secure the filter in place is taught by Meyst '967. Meyst '967 employs "gripper rings" 38 on the housing pieces so as to avoid shunting channels from short circuiting around his filter pack. To add such a feature to Zuk '940 would be fine insurance against any undesirable bypassing in Zuk's device and therefore it would have been obvious to do so.

6. Claim 65 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zuk '940 in view of Stankowski '917 as applied to claim 49 above, and further in view of Mohiuddin (US 6364864). The use of a disk of sintered polymer in a flow through filter device is well known and taught by Mohiuddin '864. To so employ this particular filter in Zuk '940 would have been obvious to one of ordinary skill in the art at the time of the invention.

7. Claims 19-21 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hammer (US 4009714) in view of Emheiser (US 4906260). Hammer '714 discloses a "low-through" device having a housing 10, 11 bonded to each other [col. 3, lines 21+] to form a unit housing for holding a filter 14. Hammer '714 employs inlet and outlet conduits 12 and 13, which appear to be formed with the housing sections 10, 11. The inlet

to the housing is noted to be at 15 and the outlet at 16, which is above and diametrically opposite the inlet 15. Emheiser '260 discloses a "flow-through" device for the same function of Hammer '714 in which the inlet is below the outlet to aid in degassing (as in Hammer '714) but instead of forming an additional inlet conduit he saves material and merely forms a 90 degree bend leading to an inlet/outlet connector (7, 17). One of ordinary skill would see the cost savings of eliminating the formed conduits of Hammer '714 and employing cheap IV conduit to carry the fluids to the inlet/outlet proper as taught by Emheiser '260. To so modify Hammer '714 would have been obvious to one of ordinary skill in the art.

8. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claim 19 above, and further in view of Hei (PGP 2001/0009756). Hei '756 discloses the use of plural stage filter device having three nested filters 3-5 (see fig. 14) mounted in a fluid filter device which has opposed sealed housing portions and at least one of the stages is a sorbent in a binder as recited in claim 22. To so modify Hammer '714 with the taught features of Hei '756 would have been obvious to one of ordinary skill at the time of the invention who seeks to remove the specific compounds disclosed in Hei '756 from the blood prior to reinjecting

the blood back into the patient by employing the specific filter media of a sorbent with a plastic binder.


Response to Arguments

9. Applicant's arguments with respect to all the claims have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas M. Lithgow whose telephone number is 571-272-1162. The examiner can normally be reached on Mon. -Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571-272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Thomas M. Lithgow
Primary Examiner
Art Unit 1724

TML